

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	<b><u>ORDER</u></b>
v.	:	
	:	19 CR 424 (VB)
HIBAH LEE,	:	
Defendant.	:	
-----X		

On June 3, 2021, defendant Hibah Lee was sentenced principally to a term of imprisonment of 135 months on his guilty plea to Hobbs Act robbery and conspiracy to commit Hobbs Act robbery.

The applicable sentencing guidelines range was 135-168 months' imprisonment, based on a final offense level of 30 and a criminal history category of IV.

The Bureau of Prisons projects that defendant will be released from prison on August 17, 2028.

As pertinent here, in Amendment 821 to the U.S. Sentencing Guidelines, the Sentencing Commission amended Guidelines Section 4A1.1(e) by reducing from two to one the number of criminal history points added for offenders who committed the instant offense while under any criminal justice sentence, and by limiting this provision to defendants who received seven or more criminal history points. The Commission made this amendment retroactive.

The Probation Department has issued a supplemental report indicating defendant is eligible for a sentence reduction, finding that defendant's amended offense level is 30, at Criminal History III, such that his amended sentencing range is 121-151 months' imprisonment.

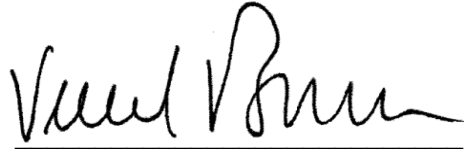
The Court reappoints Susan C. Wolfe, Esq., pursuant to the Criminal Justice Act to represent defendant in the Court's consideration of whether defendant's sentence should be reduced in light of Amendment 821.

Accordingly, it is hereby ORDERED that by no later than February 9, 2024, Ms. Wolfe shall (i) determine whether defendant is eligible for a sentence reduction under Amendment 821, and (ii) if so, make an appropriate motion. By no later than March 1, 2024, the government shall file a response.

The motion will be resolved on the parties' written submissions, unless otherwise ordered by the Court.

Dated: January 19, 2024  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge